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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/276,016	03/25/1999	SANDRO PASQUALI	040.0023	1545

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EXAMINER

PRIETO, BEATRIZ

ART UNIT PAPER NUMBER

2142

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/276,016

Applicant(s)

PASQUALI, SANDRO

Examiner

Prieto Beatriz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-31 and 36-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-31 and 36-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to amendment filed 02/16/05, claims 26-31 and 36-39 have been examined.

2. Regarding amendments to the claims, there is a strong presumption that an adequate written description of the claimed invention is present in the specification as filed, Wertheim, 541 F.2d at 262, 191 USPQ at 96; however, with respect to newly added or amended claims, applicant should show support in the original disclosure for the new or amended claims. See MPEP § 714.02, and 2163.06. ("Applicant should specifically point out the support for any amendments made to the disclosure.") (see MPEP § 2163 B (II)).

Claim rejection under 103

3. Claims 26-31 and 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rubenstein et. al. (Rubenstein hereafter) U.S. Patent No. 5,913,215 in view of Osaku et. al. (Osaku hereafter) U.S. Patent No. 6,061,738.

Regarding claim 32,

a software ("software package") (col 2/lines 58-61) including an user interface within an application program (col 18/lines 55-col 19/lines 29) and including said software package including a information ("network content index") having a verb ("verb index"), subject ("subject index") (Fig. 2, words 206 in index 205) and destination ("provider") (Rubenstein, col 2/lines 28-43, 63-67, words/phrases, including URLs, col 12/lines 45-66);

a hierarchical organization that includes a verb index, a subject index nested within said verb index, and a provider index nested within said subject index (col 12/line 65-col 13/line 64);

said software package for facilitating client side construction of a navigation sentence of pre-configured sentence parts (Rubenstein, abstract, sentence parts, col 2/lines 28-67) through the selection of a word ("verb") from an index (Fig. 2, words 206 in index pane, 205, Fig. 12, "order", or "obtain"), a word ("subject") from an index (Fig. 2, words 206 in index pane, 205, Fig. 12, "news") and a destination ("provider") thereby designating a destination (col 12/lines 45-66, Fig. 6, e.g. web site address 610),

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wherein network content is retrieved from said destination based on said navigation sentence and a network navigation destination instruction (Rubenstein, col 4/lines 19-23, 27-31, Url);

narrowing a range of searchable subject contained in said subject index (column 15/lines 11-32, column 16, lines 7-17, i.e. narrowing a range of searchable subjects) and narrowing a range of searchable providers contained in said providers index (column 16, line 63-column 17, line 17, column 18, lines 32-42); however Rubenstein does not explicitly teach where a said software package is downloaded to a client data processing system,

Osaku teaches a communication data/access retrieval system/method for accessing information via a network navigation instruction (URL), teaching means for accessing a network location to receive and download a software package (col 24/lines 48-col 25/line 1) at the client processing system thereby running thereon.

It would have been obvious to one ordinary skilled in the art at the time the invention was made to utilize Osaku's teachings for downloading a software package to the client data processing system for facilitating and providing said sentence parts for facilitating the construction of a navigation sentence as taught by Osaku, and further applied to such hierarchical structures for user selection of records from such structures, such as electronic file storage directory structures, including hypertext pages on a Web sites, well know in the art¹, motivation would to download said software package to the client data processing system, along with the archive catalog Rubenstein suggest can be obtained from a remote web sites.

Regarding claim 26, Rubenstein teaches features of the invention substantially as claimed, teaching a system/method including:

a server computer ("server data processing system") having a database storing a information ("network content index") (col 2/lines 28-33, 52-55) having a data structure (col 14/lines 27-40); and

a client computer (400 of Fig. 4)("client data processing system") communicatively connected to said server data processing system (col 9/lines 29-col 10/line 15) via a network ("electronic data network") (col 9/lines 65-67) and configured a program to access said server data processing system to load said network content index into a local storage facility (col 14/lines 34-40),

said program to facilitate construction of a navigation sentence of sentence parts (Rubenstein: abstract, sentence parts col 2/lines 28-67) via user selection of a word ("verb") from an arrangement or record (i.e. index) (Fig. 2, words 206 in index pane, 205, Fig. 12, "order"), selection of a word ("subject") an arrangement or record (index) (Fig. 2, words 206 in index pane, 205, Fig. 12, "news"), and selection of

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a destination ("provider") from an arrangement or record ("index") (col 12/lines 45-66, Fig. 6, e.g. web site address 610),

wherein said client data processing system retrieves network content based on said navigation sentence and said destination thereof (Rubenstein, col 4/lines 19-23, 27-31, URL).

Regarding claim 27, wherein said client data-processing system retrieves said network content via a WWW site (Rubenstein, abstract) and said electronic data network (Rubenstein, col 9/lines 65-67).

Regarding claim 28, wherein said destination includes a link to content accessible via said electronic data network, said at least one program further configured to traverse said link (Rubenstein, col 14/lines 27-40).

Regarding claim 29, wherein said link is a uniform resource locator (URL) (Rubenstein, col 14/lines 27-40, 47-56).

Regarding claim 30, wherein the selection of said verb, subject, and said provider is realized via pull-down dialogs within a graphical user interface provided within said client data processing system (Rubenstein, col 5/lines 31-43, Figs. 2-3, 5-7 and 10-15).

Regarding claim 31, wherein said graphical user interface is provided with a WWW site review window (Rubenstein, col 4/lines 19-31) of a running WWW browser package (Rubenstein, col 14/lines 47-56).

Regarding 33, said navigation instruction is a (URL) (Rubenstein, col 4/lines 19-31).

Regarding claim 34, wherein selection of said pre-configured sentence parts is realized via pull-down dialogs within a graphical user interface provided within a client data processing system (Rubenstein: e.g. Figs 2-3, 5-7 and 10-15, col 5/lines 31-43).

Regarding claim 35, wherein said graphical user interface is provided with a WWW site review window (Rubenstein, col 4/lines 19-31) of a running WWW browser software package (Rubenstein, col 14/lines 47-56).

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Regarding claim 36,

downloading a software package (Osaka: col 24/lines 48-col 25/line 1) having a searchable network content index from an accessed network to a local computer, (Rubenstein, abstract, col 2/lines 28, col 12/lines 45-66, searchable web pages, abstract) said searchable network content index having a data structure (e.g. web sites databases, abstract, pages, col 1/lines 55-60);

said software package providing a user with a verb menu listing said verb index for selecting a verb from said verb index in said subject index (Rubenstein: Fig. 2, words 206 in index pane, 205, Fig. 12, "order", or "obtain");

said software package providing a user with a subject menu listing a portion of said subject index corresponding to said verb for selecting a subject from an index ("subject index") (Rubenstein: Fig. 2, words 206 in index pane, 205, Fig. 12, "news");

said software package providing a user with a provider in menu listing a portion of said provider index corresponding to said subject for selecting a provider from said provider index (Rubenstein: col 12/lines 45-66, Fig. 6, e.g. web site address 610), and accessing a destination instruction via an Internet address (URL) that uniquely corresponds to said provider (Rubenstein: col 12/lines 45-66, Fig. 6, e.g. web site address 610).

Regarding claim 37, wherein accessing said network is initiated within a client-side system running in accordance with a WWW browser software application (Rubenstein, col 9/lines 65-col 10/line 2).

Regarding claim 38, wherein downloading said software package network is initiated within a client-side system running in accordance with a WWW browser software application (Osaka: col 24/lines 48-col 25/line 1).

Regarding claim 39, wherein said destination instruction is a URL, (Rubenstein, col 4/lines 19-31).

Response to argument

4. Regarding claims 26-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rubenstein in view of Osaku, it is argued (p. 8-9), the applied prior art does not teach added claim limitation, specifically, "narrowing a range of searchable subject contained in said subject index", as amended.

Because according to applicant, the selection of a verb from the verb index by a user narrows the range that the user subsequently may select from the subject index, and likewise, the selection of a subject from the subject index by the user narrows the range of providers that the user subsequently may select from the provider index. Rubenstein does not in anyway, according to the applicant, limit the computer's ability to subsequently select another of the keyword phrases.

In response to the above-mentioned argument, it is respectfully noted that the features upon which applicant relies (i.e., *"narrowing the range of subjects that the user subsequently may select from the subject index, narrowing the range of providers that the user subsequently may select from the provider index and ability to subsequently select another of the keyword phrases"*) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

5. Regarding claims 26-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rubenstein in view of Osaku, it is argued (p. 8-9), the applied prior art does not teach added claim limitation, specifically, "narrowing a range of searchable subject contained in said subject index", as amended.

In response to the above-mentioned argument, claim 26 as amended, i.e., added limitation reads, narrowing a range of searchable subjects and providers contained in said subject index and provider index, respectively.

Rubinstein discusses as prior art the ability of a user to narrow a range of searchable subject contained in said subject index. Specifically, indicating wherein an initial user-specified expression (i.e. "subjects") is submitted to a search engine at an Internet site to identify web pages containing said user-specified expression, wherein the user may have supply additional search terms to *reduce* the number of web pages in the initial set (see column 1, line 60-column 2, line 8). In this manner, the prior art discusses narrowing a range of searchable subjects contained in a subject index.

Further, Rubinstein teaches a system/method facilitating the construction of a search or query expression as described on claim 1, further enabling a user communicating a search expression to a plurality of remotely search engines (step 810 of Fig. 8) via method (800), obtaining in response to said search an initial set of web pages (column 15/lines 11-32, including "subject" index 1105 of Figs. 11 & 12, and "provider" index, e.g. web site address, e.g. www.compaq.com, of index 610 of Figure 6 or select a search engine from an index of search engine locations see Fig. 17), generating keywords phrases from

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the initial set of web pages (Fig. 13 generated from method 800, column 16, line 63-column 17, line 17) from which the user is prompted to construct a query expression in which at least one of the generated keywords phrases is an operand of the search or query expression (column 16, line 7-17, i.e. narrowing a range of searchable subjects). Search option (window 1700 of Fig. 17) enables the use to specify the searching engine to be used and the number of pages searchable therein used to specify web sites/web site engines (labeled on instant invention "providers") from an index of searchable providers (column 18, lines 32-42, i.e. narrowing a range of searchable providers from an index of providers).

In this manner, Rubinstein teaches added limitation narrowing a range of searchable subject contained in said subject index and narrowing a range of searchable providers contained in said provider index.

6. Applicant's arguments filed 02/16/05 have been fully considered but not rendered persuasive.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prieto, B. whose telephone number is (571) 272-3902. The Examiner can normally be reached on Monday-Friday from 6:00 to 3:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Jack B. Harvey can be reached on (571) 272-3896. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system, status information for published application may be obtained from either Private or Public PAIR, for unpublished application Private PAIR only (see <http://pair-direct.uspto.gov> or the Electronic Business Center at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to the Central Fax Office:

(703) 872-9306, for Official communications and entry;

Or Telephone:

(703) 306-5631 for TC 2100 Customer Service Office.

B. Prieto
Primary Examiner
May 16, 2005


BEATRIZ PRIETO
PRIMARY EXAMINER